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April 9, 2024

VIA ECF

Hon. Mark W. Pedersen, Magistrate Judge
United States District Court
Western District of New York
100 State Street
Rochester, New York 14614

Re: *Singleton v. The City of Geneva, et al.*,
Civil Action No.: 6:23-cv-06359-EAW-MJP
Letter Request for an Extension of the Scheduling Order

Dear Judge Pedersen:

This firm represents the City of Geneva (the “City”) and Detective Steven Vine in the above referenced matter. Please accept this letter as a request with the consent of counsel for all parties for an extension of the discovery deadlines in the current scheduling order based upon good cause.

The parties have been amicably working together to diligently proceed with discovery in this matter and meet the deadlines in the scheduling order. Defendants served Plaintiff with their Rule 26 Disclosures on or about October 11, 2023. Plaintiff then served his Initial Disclosures on or about December 14, 2023. On or about November 2, 2023, the parties stipulated and agreed that Steven V. Modica, Esq. would serve as the mediator for this action. Thereafter, the parties appeared virtually for the initial mediation session on or about January 31, 2024. Subsequently, Defendants served their discovery demands upon Plaintiff on or about February 23, 2024, including a Notice of Deposition, Interrogatories, and a Notice to Produce. Plaintiff served his discovery demands upon Defendants on or about February 26, 2024, including a Notice of Deposition, Interrogatories, and Document Demands. Plaintiff provided his Interrogatory responses on or about March 29, 2024. Plaintiff then provided his written responses to Defendants’ Document Demands and Supplemental Initial Disclosures on or about April 1, 2024. In his responses, Plaintiff indicates that he intends to seek certain records from DOCCS and will provide the same along with a HIPAA release once received.

Defendants are diligently working to finish their written discovery responses to Plaintiff and conduct a thorough search of all relevant custodians and locations within the Geneva Police Department and the City of Geneva for responsive, relevant, non-privileged materials. Unfortunately, Defendants are experiencing staffing issues, which are causing this process to take longer than anticipated. For example, the Chief of Police, Matthew Colton was on administrative leave and has now resigned. Therefore, other officers are stepping in to fill his role and are assisting with this process to the best of their abilities. Additionally, the City of Geneva is

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searching for responsive information in the Clerk's office. However, the former clerk retired and another clerk that was hired in July 2023 recently left to pursue another career path. As such, the City does not presently have a clerk. The Deputy Clerk is currently filling in and assisting with this process. Further, the City has recently voted to change their legal services for General Counsel and personnel matters,¹ thus triggering a transition period that has not been fully mapped out to date. As such, this office will need to work with the outgoing City Counsel and incoming counsel to ensure all discovery obligations are fulfilled.

Lastly, on or about February 27, 2024, Defendants filed a motion to unseal the records and grand jury testimony in Plaintiff's underlying criminal proceeding. Ontario County Criminal Court has set a return date for Wednesday, April 10, 2024, on submission, to make a determination on the motion.

The parties respectfully submit that the foregoing demonstrates good cause for granting a sixty (60) day extension of the remaining discovery deadlines as follows:

- Paper discovery. The parties shall complete all paper discovery no later than June 17, 2024;
- Depositions. The parties shall complete all depositions no later than October 17, 2024;
- Close of discovery. The parties shall complete all discovery by December 17, 2024.

No extension of the remaining deadlines set forth in the scheduling order is sought at this time. No prior requests for an extension of the above deadlines have been submitted. The parties are simultaneously submitting a protective order for the Court's review in accordance with the current scheduling order.

The parties thank the Court for its consideration of this request, and are available to address any questions the Court may have.

Respectfully submitted,

Anna M. Patton

CC: All Counsel of Record via ECF

¹ The attorney-client relationship between the City of Geneva and Weaver Mancuso Brightman, is separate and apart from the vote to change the City's General Counsel and counsel for personnel matters. Weaver Mancuso Brightman remains counsel for the City for this litigation.